

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SHANQI ZHAO and DUMITRU SDRULLA

U.S. Serial No. 10/757,028

Examiner: Long Pham

Filed: January 13, 2004

Group Art Unit 2814

For: DESIGN AND FABRICATION OF RUGGED FRED

Confirmation No. 3263

**RENEWED PETITION TO REVIVE PATENT APPLICATION –
FAILURE TO PAY ISSUE FEE UNINTENTIONAL (37 CFR § 1.137(b) and 1.316)**

Mail Stop Petition
Attn: Sherry D. Brinkley
Petitions Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Responsive to the Petition decision dated July 17, 2006 (copy attached), applicant resubmits the following:

Copy of Petition to Revive Patent Application -- Failure to Pay Issue Fee Unintentional (37 CFR § 1.137(b) and 1.316)1 which was submitted via facsimile on 6 March 2006.

REMARKS

In the decision, the Petitions' Examiner indicates that the Petition to Revive filed on 6 March 2006 was not signed and did not contain a statement that the entire delay in filing the required reply from the due date for the reply until filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The undersigned's file reflects that a complete Petition was prepared and submitted via facsimile on 6 March 2006. However, it is noted that our file reflected transmission problems and that two facsimiles were sent to complete the submission. Apparently, page 2 of the Petition was never received by the Patent Office.

The enclosed Petition is a true copy of the undersigned's previous Petition and includes the signature and the unintentional delay statement which the Petitions' Examiner indicates were omitted.

The previous Petition and all its enclosures are incorporated herein by this reference and the enclosures not duplicated herein.

The publication and issue fee and petition fees were all charged against the undersigned's credit card in March 2006.

The undersigned respectively requests reconsideration, grant of the Petition, and revival of the application. The Petitions' Examiner is requested to call the undersigned if there are any questions.

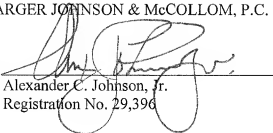
Respectfully submitted,

20575

Customer No.

MARGER JOHNSON & McCOLLOM, P.C.

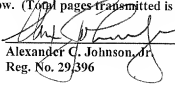
By


Alexander C. Johnson, Jr.
Registration No. 29,396

210 S.W. Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: (503) 222-3613

Certificate of Facsimile Transmission

I hereby certify that the attached Petition to Revive Patent Application; Form PTO-2038, Supplemental Declaration and PTO form 85B is being facsimile transmitted to the Patent and Trademark Office (Phone No. 571-273-8300) on the date shown below. (Total pages transmitted is 6 -including this one).


Alexander C. Johnson, Jr.
Reg. No. 29396

Date: 6 March 2006

PATENT APPLICATION
Attorney's Do. No. 1138-92

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SHANQI ZHAO and DUMITRU SDRULLA

U.S. Serial No. 10/757,028

Examiner: Long Pham

Filed: January 13, 2004

Group Art Unit 2814

For: DESIGN AND FABRICATION OF RUGGED FRED

Confirmation No. 3263

PETITION TO REVIVE PATENT APPLICATION –
FAILURE TO PAY ISSUE FEE UNINTENTIONAL (37 CFR § § 1.137(b) and 1.316)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Applicant petitions for revival of this application.
2. Nature of the Abandonment

The undersigned has reviewed his records and noted that the issue fee for this application was not timely paid.

3. Date of Filing of This Petition After Abandonment:

This petition is being filed within one year after the date of abandonment.

4. The delay in payment of the issue fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).

5. Payment

The publication and issue fee \$1,700 is paid herewith.

6. Petition fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m)) \$1,500 is paid herewith.

7. Enclosed is PTO Form 2038 authorizing credit card charge of \$3,200 in payment of the publication, issue fee and petition fees.

8. Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

9. Terminal Disclaimer

This application was filed on or after June 8, 1995 and no terminal disclaimer is required.

10. Also enclosed are

Form PTO85B
Supplemental Declaration

Respectfully submitted,

20575

Customer No.

MARGER JOHNSON & McCOLLOM, P.C.

By 

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Registration No. 29,396

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UNITED STATES PATENT AND TRADEMARK OFFICE

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PORTLAND, OR 97204

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JUL 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Shanqi Zhao, et al.	:	
Application No. 10/757,028	:	ON PETITION
Filed: January 13, 2004	:	
Attorney Docket No. 1138-92	:	

This is a decision in response to the petition, filed March 6, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is unsigned.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent of record appointed in compliance with §1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
- (5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Further, a grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The petition lacks the unintentional delay statement noted in item (3).

This decision is made without prejudice to reconsideration. However, any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and the omissions noted above.

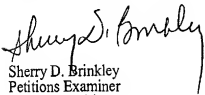
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop PETITION
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.